

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1945.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	September 4, 2002
DATE OF REPORT:	October 4, 2002
REQUEST FOR RECONSIDERATION:	yes/revised - November 1, 2002
DATE OF CLOSURE:	November 25, 2002

COMPLAINT ISSUES:

Whether the MSD Lawrence Township Schools violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program as written, specifically, failing to provide assistive technology.

FINDINGS OF FACT:

1. The student (the Student) is 15 years of age, is enrolled in grade ten (10), and has been determined eligible for special education and related services under the category of learning disability, with communication disorder as a secondary disability.
2. The school assistive technology consultant's (AT) log indicates the school has provided a computer since the student was in grade 5 for home use to complete homework or work on keyboarding skills. Computer programs were installed on the home computer that included word prediction software to assist in writing, multi-sensory talking word processing software, a typing program, and computer games to encourage the Student to improve keyboarding and mouse skills under the objectives for recreation and leisure. The School provided compatible computers and software at school. The student has infrequently had homework, according to the AT log. The family has been consistent in wanting to have access to a computer at home for the Student's use and has reported that the Student uses the computer provided by the School frequently at home.
3. The Complainant alleges that the School has failed to repair or replace the computer equipment the School purchased. On September 26, 2000, at a home visit for an AT review of word prediction software to assist in writing and multi-sensory talking word processing software, the Complainant asked about resources to assist the Student to read e-mail and explore the internet. The Complainant was informed by the AT consultant that internet use was not specified in the Student's IEP but she provided software purchased privately and informed the Complainant that this was not a school-related concern. The School requested a computer for the family to privately own, but none with a modem to assist in internet access was provided. The Complainant called the School in the Fall of the 2001-2002 school year to ask the School to provide a computer with internet access for the Student to use at home. In May, the School arranged for the family to be provided a larger computer for personal use. According to the School, the Complainant rejected the computer because it lacked an internet modem. The Complainant states that the School has failed to respond to the Complainant's several verbal requests for a computer memory upgrade to utilize the software provided by the School to assist the Student in reading e-mail.

4. A review of the Student's IEP dated October 19, 2001, and attachment of May 14, 2002, stated that the Complainant wants the Student to take computer classes throughout high school and to take classes that will give her job skills. The Student's teacher expressed concerns about the Student's ability to read and her underdeveloped handwriting. A computer was placed in the home to assist in completion of homework and to improve keyboarding skills, according to the school assistive technology consultant's log. The current school year class schedule includes computer classes for both semesters and a plan to take a general education computer class next year. Transition goals and objectives include improving word processing skills. The IEP section completed at the October 19, 2001, case conference notes that the Student has receptive and expressive language deficits, weak vocabulary and listening skills, and organizational and written expression needs. The transition plan states the Student will participate in a modified curriculum, and the community experience outcome states the Student will seek ongoing, infrequent support in order to participate in community activities. The consideration of special factors section had communication needs marked "not applicable" and the assistive technology section did not have a required mark for either "not applicable" or "applicable." The section for classroom adaptations included, "Access to appropriate software, computers." The Complainant's advocate was noted in the CCC summary to comment, "...The technology software most beneficial to (the Student) has not been loaded (on the computer) yet. This is a major issue and needs to be addressed immediately." No response was noted in the IEP/CCC summary notes from the CCC.

CONCLUSIONS:

1. Findings of Fact #2 through #4 indicate that the School has provided a computer for the Student to use at home for five years and has had multiple objectives for use of the computer in the Student's IEP. The issue of access to the internet has not been addressed by the CCC, even though it has been a topic of discussion between the Complainant and the School for two years, including at the last CCC meeting, when it was brought up by the Complainant's advocate. The Student's IEP has objectives that do not consistently indicate how those objectives will be met. The manner in which the IEP addresses technological supports for the Student does not provide sufficient information for the Complainant to know whether, and to what extent, the Student would be receiving assistive technology. In general, the IEP and CCC report lack sufficient clarity to enable the parent and school personnel to know what services a student is to receive. Therefore a violation of 511 IAC 7-27-7(a) is found for failing to clearly address the implementation of assistive technology in the student's individualized education program.

The Department of Education, Division of Exceptional Learners requires the following corrective actions based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD Lawrence Township Schools shall:

1. convene a CCC meeting:
 - a. to consider and discuss whether an assistive technology assessment shall be conducted; and
 - b. to determine the Student's assistive technology needs and incorporate them into the IEP, including use of a talking email program.

The CCC report must document the CCC's discussion and determination on both of these items. A copy of the CCC report and IEP shall be submitted to the Division no later than November 25, 2002.

2. Review and, if necessary, revise the School's procedures for responding to a parent's request for a technology assessment. Send a written letter to the Complainant regarding the procedures for initiating a request for a technology assessment. A copy of the School's written procedures and a copy of the letter to the Complainant shall be submitted to the Division no later than November 25, 2002.